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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	10/791,694	
	<b>Filing Date</b>	March 2, 2004	
	<b>First Named Inventor</b>	David R. Zittel	
	<b>Group Art Unit</b>	1761	
	<b>Examiner Name</b>	George C. Yeung	
<b>Total Number of Pages in This Submission</b>	9	<b>Attorney Docket Number</b>	338.071

**ENCLOSURES (check all that apply)**

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<input type="checkbox"/> Response to Notification of Missing Requirements Under 35 USC 371	<b>Remarks</b>	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 DECLARATION		

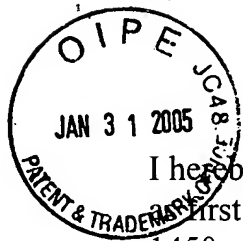
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

<b>Firm or Individual name</b>	David D. Stein, Registration No. 40,828 Boyle, Fredrickson, Newholm, Stein & Gratz, S.C. Customer No.: 23598
<b>Signature</b>	<i>David D. Stein</i>
<b>Date</b>	January 26, 2005

**CERTIFICATE OF MAILING**

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Dawn M. Oleszak  
Dawn M. Oleszak

Date: January 26, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): David R. Zittel et al

Docket No.: 338.071

Serial No.: 10/791,694

Filed: March 2, 2004

Reissue of.: U.S. Pat. 6,214,400

Issued: April 10, 2001

Examiner: George C. Yeung

Group Art Unit: 1761

Title: *Method for Processing Food Product*

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In this Supplemental Information Disclosure Statement, patentee wishes to make record the blueprint of Hughes Company dated June 16, 1997 submitted herewith that was enclosed with a letter dated February 12, 2003 from Hughes' patent attorney, a copy of which is also enclosed. As is noted in the attached letter, Hughes' contends the blancher shown in its 1997 blueprint is prior art under 35 U.S.C. § 102(b) due to its commercial installation and use Listowel, Canada in 1997. The Angy blancher discussed in the letter refers to a current Hughes blancher design that Hughes contends is based on the 1997 blancher. Other than that, the Hughes/Angy blancher is not believed to be prior art and has not been included.

Page 2 of the enclosed Hughes' February 12, 2003 letter states that the 1997 Hughes' blancher has a single water recirculation pipe with discharge nozzles mounted

beneath the blancher's rotating perforate drum. The letter states that the 1997 Hughes' blancher also has two steam pipes to provide heated steam to the water in the blancher over the length of the blancher.

From the Hughes 1997 blancher blueprint, it appears that the water recirculation pipe, labeled "Water Recirculation Manifold" in the Hughes 1997 blancher blueprint, has a length that is less than about one-third the total length of the blancher. One steam pipe, labeled "Steam Manifold" in the Hughes 1997 blancher blueprint, appears to have a length that extends from one end of the blancher to about the halfway point of the blancher and the other steam pipe appears to have a length that extends from the opposite end of the blancher to about the halfway point of the blancher.

No other parameters, including operating parameters, have been provided by Hughes. However, Hughes stated in its letter that the current Hughes/Angy blancher design is very similar to the Hughes 1997 blancher. Assuming that to be the case, it appears that the single water recirculation pipe of the Hughes 1997 blancher is somewhere around 55 inches long and made of 2 inch tubing or piping having  $\frac{1}{2}$  inch to  $\frac{3}{4}$  inch discharge nozzle openings spaced about 2 inches apart from each other. If the same or similar 5 horsepower pump was used as in the Hughes/Angy blancher design, it is roughly estimated that a water flow rate out each discharge nozzle would be approximately somewhere around 2-4 gpm at a pressure of somewhere around 5-15 psi. It may be possible to increase output pressure somewhat by constricting flow out each discharge nozzle, but this would reduce the water flow rate to something less than the aforementioned 2-4 gpm estimate.

The steam flow rate(s) and steam pressure(s) are not known for the 1997 Hughes blancher or the Hughes/Angy blancher.

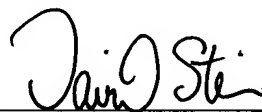
Page 3 of the enclosed Hughes February 12, 2003 letter asserts that De Back, U.S. Patent No. 2,299,088 (actually U.S. Patent No. 2,299,080) is prior art to the claimed invention. It should be noted that De Back's more comprehensive parent, U.S. Patent No. 2,314,871, was considered by the Examiner during the prosecution of patentee's U.S. Patent No. 6,234,066, which is a continuation of patentee's U.S. Patent No. 6,214,400, which is the

subject of the above-identified reissue application. It also should be noted that patentee's '066 patent is also currently under reissue. Copies of both De Back patents are being submitted herewith in this information disclosure statement.

In addition, the patentee wishes to supplement and clarify the record regarding a prior art commercial blancher installation of the patentee, the general parameters of which are summarized and disclosed at col. 1, line 62-65 of the Background of the Invention section of patentee's '400 patent. Further analysis of the operating parameters of this prior art commercial blancher installation of the patentee indicates that a 7½ horsepower pump was used to pump water through a water recirculation header having a length of about 53 inches. The water recirculation header was equipped with twenty-one discharge nozzles that each had an opening 1/8 inch in diameter and that were spaced apart from each other between about 2 and 3 inches. The water pressure in the water recirculation header was estimated to be somewhere between 42-48 psi, which is higher than the 8 psi stated in the aforementioned Background of the Invention section of patentee's '400 patent. However, the water flow rate out each discharge nozzle of the water recirculation header is estimated to have been somewhere around 1-2 gpm, which is lower than the 10 gpm stated in the Background of the Invention section of patentee's '400 patent.

While neither the 1997 Hughes blancher, the De Back patents, nor the patentee's own prior art blancher are believed to be material to the patentability to the invention claimed in the '400 patent or to any of the presently pending claims in the above-identified application, the Examiner is nonetheless requested to take all of this into careful consideration in examining the above-identified application. If the Examiner needs additional information that might be helpful in making this determination, the Examiner is requested to contact the undersigned.

Respectfully submitted,



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David D. Stein  
Reg. No. 40,828

Boyle, Fredrickson, Newholm,  
Stein & Gratz, S.C.  
250 East Wisconsin Avenue, Suite 1030  
Milwaukee, WI 53202  
Phone: (414) 225-9755  
Fax: (414) 225-9753  
Customer No.: 23598

